

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
)	
High-Cost Universal Service Support)	WC Docket No. 05-337
)	
Developing a Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Lifeline and Link-Up)	WC Docket No. 03-109
)	
Universal Service Reform—Mobility Fund)	WT Docket No. 10-208

**COMMENTS OF FRONTIER COMMUNICATIONS CORPORATION ON
CENTURYLINK’S PETITION FOR LIMITED WAIVER**

I. INTRODUCTION

Frontier Communications Corporation (“Frontier”) hereby submits the following comments to CenturyLink, Inc.’s (CenturyLink) Petition for Limited Waiver¹ of call signaling rules as established in the above-captioned proceeding.² The Federal Communications Commission (“Commission”) established the call signaling rules from which CenturyLink seeks waiver in an

¹ CenturyLink, Inc., Petition for Limited Waiver, WC Dkt. Nos. 10-90, 07-135, 05-337, 03-109; GN Dkt. No. 09-51; CC Dkt. Nos. 01-92, 96-45, WT Dkt. No. 10-208 (filed Jan. 23, 2012) (“*Petition*”).

² *In re*: Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform—Mobility Fund, WC Dkt. Nos. 10-90, 07-135, 05-337, 03-109; GN Dkt. No. 09-51; CC Dkt. Nos. 01-92, 96-45, WT Dkt. No. 10-208, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 11-161 (rel. Nov. 18, 2011) (“*Report & Order*”).

effort to curb “phantom traffic” abuses by “clos[ing] loopholes that are being used to manipulate the intercarrier compensation system.”³ Frontier has been an active proponent of strict rules to curb phantom traffic given the high percentage of phantom traffic that has come through on the network.⁴ In order to avoid creating further loopholes, Frontier submits that the Commission should require further clarification as to the scope of the traffic implicated by the *Petition* and ensure that good cause—not just economic convenience—exists for granting the *Petition*.

II. CENTURYLINK FAILS TO PROVIDE SUFFICIENT INFORMATION FOR WAIVER OF THE CN RULES

CenturyLink fails to present sufficient evidence to demonstrate “good cause” for waiver as required under the Commission’s rules.⁵ Based upon the information presented in the *Petition* the Commission should not grant CenturyLink’s petition for waiver of the “requirement to pass the CN [Charge Number] unaltered where it is different than the CPN [Calling Party Number] in certain limited circumstances involving SS7 signaling where CenturyLink acts as an interexchange carrier.”⁶ CenturyLink seeks its waiver on the grounds that compliance in this situation would require “costly and time-consuming upgrades,”⁷ yet it never demonstrates that compliance is more than an unspecified economic burden.

CenturyLink claims that it “*is by no means clear* that it would be technically feasible to”⁸ upgrade its facilities for compliance, which does not demonstrate technical infeasibility so much as a lack of economic will to attempt compliance. CenturyLink notes that, “even if such a solution were possible, this would divert scarce capital and resources that could be used to build-

³ *Report & Order* at ¶ 702. Phantom traffic “refers to traffic that terminating networks receive that lacks certain identifying information.” *Id.* at ¶ 703.

⁴ See Frontier Section XV Comments, WC Dkt. Nos. 10-90, 07-135, 05-337, 03-109; GN Dkt. No. 09-51; CC Dkt. Nos. 01-92, 96-45, WT Dkt. No. 10-208, at 10-11 (filed Apr. 1, 2011) (noting Frontier’s estimate that 5-8% of the traffic it receives is phantom traffic, accounting for millions of dollars in lost revenue).

⁵ 47 C.F.R. § 1.3 (2011).

⁶ *Petition* at 5.

⁷ *Id.*

⁸ *Id.* at 5 (emphasis added).

out next generation broadband networks.”⁹ The Commission should be mindful that the reason that the phantom traffic rules were implemented was to eliminate arbitrage schemes and prevent terminating carriers from being cheated out of revenues that could otherwise go towards supporting the terminating carriers’ broadband deployments.

CenturyLink does not provide sufficient information on the percentage of traffic that would be impacted if the waiver is granted, which is a significant factor in evaluating the reasonableness of the cost of compliance (which is also unspecified and therefore deficient). This determination is particularly important if granting waiver has the potential to affect the revenues of other carriers as well. The Commission has expressed its concern that “any exceptions would have the potential to undermine the rules,”¹⁰ and CenturyLink does not provide enough evidence to demonstrate that this is not such a situation.

III. CENTURYLINK MUST PRESENT EVIDENCE OF THE SCOPE OF ITS MF TRAFFIC BEFORE BEING GRANTED WAIVER OF THE RULES

Frontier provides qualified support for CenturyLink’s request of limited waiver of rules requiring service providers using MF signaling to pass through the CN or CPN in the MF ANI field.¹¹ Frontier acknowledges the technical limitations of the MF signaling but is concerned that CenturyLink again does not identify the amount of its traffic that uses MF signaling. Therefore, before the Commission considers CenturyLink’s waiver request, CenturyLink should identify its percentage of MF traffic. Given CenturyLink’s size and traffic volumes, the Commission should require CenturyLink to specify exactly what percentage of traffic terminations use MF signaling and would be implicated by the *Petition*. A large amount of such traffic could create a loophole that would remove enormous volumes of traffic from compliance with the Commission’s

⁹ *Id.*

¹⁰ *Report and Order* at ¶ 723.

¹¹ *Id.* at 6.

phantom traffic rules. The Commission should not consider CenturyLink's request for waiver of MF signaling rules absent such a showing.

IV. CONCLUSION

For the foregoing reasons Frontier respectfully requests the Commission require CenturyLink to provide more information that details the impact the requested waiver would have prior to consideration.

Respectfully submitted,

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